

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:	:	
	:	
KEURIG GREEN MOUNTAIN SINGLE-	:	14-MD-2542 (VSB)
SERVE COFFEE ANTITRUST	:	
LITIGATION	:	<b><u>ORDER</u></b>
	:	
<i>This Document Relates to All Actions</i>	:	
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VERNON S. BRODERICK, United States District Judge:

Pending before me is Defendant Keurig Green Mountain, Inc.’s (“Keurig”) Fed. R. Civ. P. 72(a) objection (the “Rule 72 Objection”) to Magistrate Judge Henry Pitman’s March 7, 2019 discovery order (the “March 7 Order”). (Doc. 547.) Keurig objects to five privilege determinations made by Judge Pitman. (Doc. 550, at 7–10.) While these objections were pending, the Honorable Barbara S. Jones, United States District Judge (ret.), was appointed as special master to make a report on attorney-client privilege assertions given the volume of documents over which privilege had been asserted. (Doc. 569.)

On July 22, 2019, Judge Jones issued an extensive and well-reasoned report assessing these privilege assertions (the “Jones Report”). (Doc. 646.) The Jones Report stated the parties initially disputed privilege assertions for approximately 4,300 documents. This number dropped to around 1,200 items following the production of various materials by Keurig pursuant to stipulated order. (*Id.* 3.) Additionally, Keurig withdrew its privilege designations from 34 documents, leaving 995 documents for review. (*Id.* 4.) Judge Jones made privilege determinations for these documents in the Jones Report, which Judge Pitman adopted in full. (Doc. 678.)

Because the relevant documents were reviewed *in camera*, or through productions between the parties, it is unclear if these developments moot or otherwise impact Keurig’s

objections to the five documents in the Rule 72 Objection. Accordingly, the parties shall file a letter by February 3, 2023, stating if the issues in the Rule 72 Objection still require adjudication given the adoption of the Jones Report and the parties' subsequent productions.

SO ORDERED.

Dated: January 27, 2023  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is written over a horizontal line.

Vernon S. Broderick  
United States District Judge